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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,815	12/28/1999	KI-HWAN KIM	678-418-(P88	1495
7590	01/05/2004		EXAMINER	
PAUL J FARRELL DILWORTH & BARRESE 333 EARLE OVINGTON BLVD UNIONDALE, NY 11553			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	
			DATE MAILED: 01/05/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination KIM, KI-HWAN	
		Examiner Olisa Anwah	Art Unit 2645	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-6,169,911	01-2001	Wagner et al.	455/566
B	US-6,226,533	05-2001	Akahane, Masaaki	455/566
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

**NON-PATENT DOCUMENTS**

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	
V	
W	
X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/473,815	KIM, KI-HWAN
	Examiner Olisa Anwah	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 October 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Akahane, U.S. Patent No. 6,226,533 (hereinafter Akahane).

Regarding claim 1, Akahane discloses a method for storing a voice message and storage-related information in a mobile telephone having a memory for storing a voice message, comprising the steps of (a) determining whether a voice message store mode is set by a user; (b) calculating, when the voice message store mode is set, a remaining memory capacity based on the memory required to store the voice message and the storage-

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related information, and starting storing a voice message in the memory while simultaneously displaying a length of the stored voice message, if the remaining memory capacity is sufficient to store the voice message and the storage-related information; (c) after a predetermined time interval, re-calculating the remaining memory capacity, and updating the displayed length of the stored voice message; (d) determining whether storing the voice message is completed, if the remaining memory capacity is sufficient to store the voice message and the storage-related information, and returning to the step (c) if storing the voice message is not completed; and (e) upon completion of storing the voice message and the storage-related information, calculating final storage related information and storing the final storage related information in the memory as voice message storage information for the stored voice message (col. 4, line 33 to col. 5, line 67).

Regarding claim 2, see col. 4, lines 50-65 and col. 5, lines 35-50.

Regarding claims 3 and 4, see col. 5, lines 65-67.

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**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-7 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wagner et al, U.S. Patent No. 6,169,911 (hereinafter Wagner) in view of Greco et al, U.S. Patent No. 5,568,540 (hereinafter Greco).

Regarding claim 5, Wagner discloses a method for reproducing a voice message in a mobile telephone having a memory for storing a voice message and storage-related information (see Figure 4), the method comprising the steps of (a) determining whether a voice message reproduce mode is set by a user; (b) accessing the memory to find the last stored voice message by consulting stored times of respective voice messages, when the voice message reproduce mode is set; (c) reproducing the found voice message; (d) determining whether a scroll key is input; and (e) finding a next voice message and returning to step (c) to reproduce the next voice message, if the scroll key

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is input (lines 5-20 of column 3, lines 5-45 of column 5, lines 20-45 of column 6 and Figure 4).

Wagner does not disclose reproducing the found voice message while simultaneously displaying a remaining time left in the found voice message and after a predetermined time interval, updating the remaining time being displayed. However Greco discloses this limitation (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wagner with the method of displaying remaining time as suggested by Greco. This modification would allow for a duration indicator as suggested by Greco and Wagner.

Regarding claim 6, see Greco, Figure 3.

Regarding claim 7, Wagner combined with Greco discloses (g) upon failure to detect the scroll key input, determining whether reproducing is completed; (h) upon completion of reproducing, determining whether the user intends to listen to the voice message again; (i) returning to step (c) if the user intends to listen to the voice message (see col. 6, lines 35-45).

Wagner combined with Greco does not disclose the limitation of "if the user does not intend to listen to the voice message again, determining whether the voice message is a last voice message; (j) ending the reproducing operation if the reproduced

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voice message is the last voice message; and (k) finding a next voice message and returning to step (c) to reproduce the next voice message, if the reproduced voice message is not the last voice message". "Official Notice" is taken that this claimed limitation is both well known and old in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Wagner combined with Greco to include the claimed determining, ending and finding steps. This modification allows for all stored voice messages to be played.

***Response to Amendments***

5. The amendment filed on 10/17/2003 has been considered but is ineffective to overcome the Akahane reference.

***Response to Arguments***

6. With respect to claim 1, Applicant alleges Akahane does not teach a method for storing a voice message and storage-related information, wherein calculations are based on both the amount of memory required to store the voice message and the amount of memory required to store the storage-related information. With respect to the claimed calculation limitation, Applicant

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discloses, "If the voice message store is set, the CPU 10 calculates a remaining memory capacity...the CPU analyzes the calculations results to determine whether there is enough remaining memory capacity to store the voice message" (page 6 of specification). Akahane performs equivalent steps. According to Akahane, "As the user continues recording his or her message, the duration indicator displays changes to indicate the amount of memory capacity remaining available to the user" (col. 5, lines 50-55). Akahane also teaches storage related information is also stored on the mobile telephone (col. 4, lines 33-38). Therefore the calculations taught by Akahane are based on both the amount of memory required to store the voice message and the amount of memory required to store the storage-related information. Therefore Akahane teaches the same method of calculating as disclosed by page 6 of Applicant's specification and as claimed by claim 1.

Regarding claim 5, Applicant argues the combination of Wagner and Greco does not disclose finding a next voice message and reproducing the next voice message, if the scroll key is input. Applicant supports this argument on the foundation that Wagner first selects a message and then a separate "Play" key must be entered before the message is reproduced. However

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Applicant does not claim, "reproducing the next message if the scroll key is input, **wherein the message is reproduced without entering a key separate from the scroll key**". Applicant's claim broadly recites, "reproducing the next voice message, if the scroll key is input". Wagner teaches a message is selected and then the message is reproduced. According to Wagner, the scroll key selects the message. After selection occurs, the message is then reproduced. Therefore Wagner teaches reproducing the next voice message, if the scroll key is input. Hence the combination of Wagner and Greco teaches the claimed limitations as presently claimed in claim 5.

#### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.  
Olisa Anwah  
Patent Examiner  
December 23, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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